

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2015

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P.Nos.18835 to 18842 of 2015

and respective M.Ps

W.P.No.18835 of 2015:
Dr.R.Sindhuja

... Petitioner

-Vs-

- 1.The Secretary to Government,
Health and Family Welfare Department,
Fort St.George, Chennai - 600 009.
- 2.The Tamil Nadu Dr.M.G.R. Medical University,
rep by its Registrar,
No.69, Anna Salai, Guindy, Chennai - 600 032.
- 3.The Dean,
Madras Medical College,
Chennai - 600 003.
- 4.The Chairman,
Medical Council of India,
Sector - 8, Dwaraka Phase - I,
New Delhi - 110 077.
- 5.The Director,
Institute of Obstetrics & Gynecology,
Egmore, Chennai - 600 008.

- 6.Dr.C.Kokila
- 7.Dr.A.Divia
- 8.Dr.Pampa Deb Barma
- 9.Dr.B.Nithya Chandika
- 10.Dr.Kanimozhi
- 11.Dr.Raghavi

... Respondents

WEB COPY

(R6 to R-11 impleaded vide order dated 08.09.2015 made in M.P.No.4 to 4 of 2015 in W.P.No.18835,18842 of 2015 and M.P.No.5 of 2015 in W.P.No.18835 of 2015)

WP.No.18836/2015:

1 Dr. R.Swaathi [PETITIONER]
Daughter of Mr. R.Ravishankar
No.51/122 Periyar Pathai
Choolaimedu Chennai-94.

Vs

- 1 The Secretary to Government
Health and Family Welfare Department Fort
St. George Chennai-9.
- 2 The Tamil Nadu Dr. M.G.R.
Medical University Represented by its
Registrar No.69 Anna Salai Guindy
Chennai-32.
- 3 The Dean
Madras Medical College Chennai-3.
- 4 The Chairman
Medical Council of India Sector 8 Dwaraka
Phase-I New Delhi-110077.
- 5 The Director
Institute of Obstetrics & Gynaecology
Egmore Chennai-8. ..Respondents

R-6 Dr.C.Kokila, W/O.N.Thirulogan,
No.442, Anand Niketan Society,
Second Floor, Pantheon Road,
Egmore, Chennai-600 008.

R-7 Dr.A.Divia, W/O.C.Rajesh.

R-8 Dr.Pampa Deb Barma, D/O.Ujjal Deb Barma,
Both 2 and 3 Petitioners are at Ladies Hostel,
Govt.Kasthuribai Gandhi Hospital,
Triplicane, Chennai-5

(R-6 to R-8 are impleaded as per Order Dated 08.09.2015
in MPs NO.4 to 4/15 in WPs 18835 to 18842/15)

WP.NO.18837/2015:1

Dr. T.Rajatharangani
Wife of Dr. P.Manivannan
B-31 Kamalesh Enclave
101-A Baracca Street Secretariat
Colony Kilpauk Chennai-10.

...Petitioner

Vs

- 1 The Secretary to Government
Health and Family Welfare Department
Fort St. George Chennai-9.
- 2 The Tamil Nadu Dr. M.G.R.
Medical University Represented by its
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WP.NO.18838/2015:

Dr. V.Jagadeswari
Wife of Dr. A.Veeramani 2/940 7th Street
Sowmiya Nagar Medavakkam Chennai-100.

..Petitioner

Vs

- 1 The Secretary to Government
Health and Family Welfare Department Fort
St. George Chennai-9.
- 2 The Tamil Nadu Dr. M.G.R.
Medical University Represented by its
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- 4 The Chairman
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- 5 The Director
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WP.No.18839 of 2015:

Dr.K.S.Ramya

W/o.Dr.S.Balasubramanian 23/2 Millennium
Towers Temple Avenue Sri Nagar Colony
Saidapet Chennai-15

[PETITIONER]

WEB COPY

Vs

- 1 The Secretary to Government
Health and Family Welfare Department Fort
St. George Chennai-9.

- 2 The Tamil Nadu Dr. M.G.R.
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WP.NO.18840 of 2015:

DR.M.Mahalakshmi
Wife of Mr.L.P.Balasubramanian
F3-10, Park Street
Perambur, Chennai-600 011

...Petitioner

सत्यमेव जयते

Vs

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Health and Family Welfare Department Fort
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WP.NO.18841 of 2015:

Dr.D.Kavitha
Wife of E.Suresh Kumar
I-A, Olivia Apartments
No.9, Goverdhan Street,
Royapettah, Chennai-600 014 ...Petitioner

Vs

- 1 The Secretary to Government
Health and Family Welfare Department Fort
St. George Chennai-9.

- 2 The Tamil Nadu Dr. M.G.R.
Medical University Represented by its
Registrar No.69 Anna Salai Guindy
Chennai-32.

- 3 The Dean
Madras Medical College Chennai-3.

- 4 The Chairman
Medical Council of India Sector 8
Dwaraka Phase-I New Delhi-110077.

5 The Director
Institute of Obstetrics & Gynaecology
Egmore Chennai-8.

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WP.NO.18842 of 2015:

Dr.R.Madhumitha
Daughter of Mr.R.Ravi
C-13, REG Complex
No.22, Maharajapuram Santhanam Road
T.Nagar, Chennai-600 017

...Petitioner

Vs

1 The Secretary to Government
Health and Family Welfare Department Fort
St. George Chennai-9.

2 The Tamil Nadu Dr. M.G.R.
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(R-6 to R-8 are impleaded as per Order Dated 08.09.2015
in MPs NO.4 to 4/15 in WPs 18835 to 18842/15)

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorarified Mandamus calling for the records relating to the impugned proceeding dated 05.08.2014 Ref. ME/5/2014 issued by the 3rd respondent and quash the same as being contrary to the statutory provisions of Clause 10(3) of Medical Council of India Post Graduate Medical Education Regulation 2000 (Amended upto May 2013) and consequently direct the respondents to permit the petitioner to continue and complete Post Graduate MS - Obstetrics & Gynecology in the 5th respondent institution in compliance of Clause 10(3) of Medical Council of India Post Graduate Medical Education Regulation 2000 (Amended upto May 2013).

For Petitioner : Mr.S.Thanka Sivan
(in all W.Ps)

For Respondents : Mrs.P.Rajalakshmi,
(in all W.Ps) Government Advocate (R1, R3 & R5)
Mr.Anand David (R2)
Mr.V.P.Raman (R4)
Mr.G.Sankaran (R-9 to R11
impleaded respondents in WP.18835/2015)

Mr.K.Ramu (For R-6 to R8 impleaded
Respondents in WP.No.18835/2015 and all
impleaded Respondents in WP.No.18836 to
18842/2015)

C O M M O N O R D E R

The respondent no.3 viz., Madras Medical College is affiliated to Dr.M.G.R.Medical University. Both, The Institute of Obstetrics and Gynecology, Egmore and The Institute of Socio Obstetrics and Gynecology, Government Kasturba Gandhi Hospital for Women and Children, Triplicane are under the control of the respondent no.3. Thus, both are same insofar as the respondent no.3 is concerned in the field of Obstetrics and Gynecology. They have been treated as single unit. It is submitted that 17 students have been selected for the Post Graduate Course. However, at the time of posting, they were divided into two sets of students. One set of them are doing their course at Triplicane in The Institute of Socio Obstetrics and Gynecology, Government Kasturba Gandhi Hospital for Women and Children and the other set of students at Egmore in The Institute of Obstetrics and Gynecology. This position is clearly stated not only in the counter filed by the official respondents, but also by the proceedings dated 05.08.2014, which gives a time schedule with the details of month, year and postings, separately, mentioned in the annexure with respect to each of the students. Therefore, the students are made known even as on 05.08.2014 that they will have to work for sometime at Egmore and similarly for sometime at Triplicane. In other words, postings are not meant to be in a particular place either in Triplicane or Egmore, as the case may be. This is an admitted position.

2.The petitioners, who are working at Egmore, have come forward to filed these Writ Petitions challenging the proceedings dated 05.08.2014, both on the ground of law and equity. Coming to the question of law, the case of the petitioners is that the Regulation of the Medical Council of India viz., the respondent no.4 does not permit migration. On the question of fact, it is submitted that it will lead to lot of practical difficulties, including submission of Thesis, adequate patient population and the continuity of the guides.

3.The learned counsel for the petitioners submitted that as migration is not permissible, the order impugned cannot be sustained in the eye of law. Reliance is made upon Regulation 11 as well. Coming to equity, the learned counsel submitted that even a student, who shifted from Triplicane to Egmore, has found it very difficult to continue the course further. The learned counsel further submitted that for the Thesis and patient population, it would be better to have very same patients. Similarly, by changing the guide, the student would be put to greater difficulties.

4.The learned counsel for the respondents 6 to 11 submitted that the petitioners, being bound by the proceedings dated 05.08.2014, cannot wriggle out of the same and challenge it subsequently. There is only one independent academic unit, though there are two units, being run at different places. The decision has been made so as to expose the students to different environment. This is meant for the students to acquire maximum skill and training, apart from getting exposure to various diseases and technology. The students have been selected based upon their marks to the Madras Medical College alone and there is no artificial separation among them. The allotment has been made qua the units, keeping in mind the interest of the students and for administrative convenience. Such a decision cannot be called arbitrary and thus, not open to judicial review.

5.As rightly submitted by the learned counsel for the respondents, Regulation 10 deals with the Period of Training. While dealing with migration, it only means such migration/transfer of student undergoing Post Graduate Degree shall be permitted from one university or authority to another. As there is no dispute of fact that there is only one department having an independent academic identity and the students have been admitted to it, the petitioner cannot have any grievance. Merely because there exists two units, a legal right would not arise by studying in one unit to continue in the same till the completion of the course. The petitioners having accepted the proceedings dated 05.08.2014, cannot go back on the same basing reliance upon equity. The stand taken by the respondent no.3 makes clear rationale behind the said decision.

6.The students are posted to all the teaching units on rotation to acquire more knowledge in technical skill and training for the purpose of getting greater exposure to various diseases. For Example, one unit may contain more such facilities for diseases such as cancer and fertility as against the other, which is the factual position hereunder. When such a methodology is adopted for the students as a whole, the same cannot be treated as arbitrary. It is not as if some students are put in one unit based upon their ability and merit, rather than, placed based on administrative convenience.

7.As stated above, they have been admitted as students of respondent no.3 viz., Madras Medical College. When that is the position, the petitioners neither have any legal right nor entitled to succeed on equity. If the petitioners are allowed to continue at one place as against the other students, it is those students, who would be deprived of better exposure. An exposure will have to be seen from the point of view of not only better facility but also lesser facility. A student having better facility must have exposure in a place of lesser facility and also the students otherwise placed. Thus, looking at from any angle, this Court does not find any reason

to allow these Writ Petitions.

8. Accordingly, the Writ Petitions are dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

va

To

1. The Secretary to Government,
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Sector - 8, Dwaraka Phase - I,
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5. The Director,
Institute of Obstetrics & Gynecology,
Egmore, Chennai - 600 008.

- +1 cc to M/S.S.Thankasivan Advocate sr.48903
+1 cc to M/S.G.Sankaran Advocate sr.48690
+3 cc to M/S.K.Ramu Advocate sr.48681
+1 cc to M/S.V.P.Raman Advocate sr.48825
+1 cc to M/S.Anand David Advocate sr.49124
+1 cc to the Government Pleader High Court sr.49260

W.P.Nos.18835 to 18842 of 2015
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aa06/10/2015